

Expanding Housing and Racial Equity, Community Stability, and Economic Security: A Map for the Biden Administration and the 117th Congress

December 10, 2020





The National Fair Housing Alliance calls upon the new Administration and the 117th Congress to coordinate and direct their most immediate efforts – on the first day, during the first 100 days, and during the first year – toward accomplishing four key goals.

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities
2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All
3. Strengthening the Nation’s Fair Housing and Fair Lending Enforcement Infrastructure
4. Creating Greater Fairness in the Housing and Financial Services Industries

Introduction

Our nation is facing a triple pandemic – the COVID-19 health epidemic, the ensuing economic recession, and the crisis of racism that has plagued us for centuries. These challenges are connected. They stem directly from structural barriers, like residential segregation, systemic racism, and the dual credit market, that drive inequities in health, education, employment, wealth, credit access, and environmental impacts.

These structural barriers are also directly tied to place. Where you live matters. It determines so many aspects of your life, from where your kids go to school to your access to jobs and transportation, from whether you have access to fresh food and health care to your life expectancy and so much more. The public holds dear the belief that no one’s race, national origin, religion, gender, family status or disability should prevent them from obtaining safe, decent, affordable housing in the neighborhood of their choice. We also believe in equity and the idea that all neighborhoods should provide their residents with fair access to community resources. Fair housing is the foundation of an equitable society in which everyone has the opportunity to thrive.

Strong fair housing laws, aggressively enforced, are more important now than ever, as we reckon with our country’s long-standing structural racism and its impact on all aspects of our lives. The widespread inequities we see persist because, as a nation, we have lacked the will and failed to take the steps necessary to eradicate them and redress the harms they have caused. Over the last four years, fair housing has come under repeated attack, as the federal government has rolled back fair housing and other civil rights and failed to effectively enforce laws that protect us all. Our nation’s fair housing laws have never been fully enforced, but the recent attacks have greatly undermined our ability to remove unfair and discriminatory practices and barriers from the marketplace. This is why, still today, there are over 4 million instances of housing discrimination each year. The past four years of unremitting attempts to eviscerate our fair housing protections have contributed to increases in racial harassment and other hate crimes committed in housing of all types. They have also contributed to increases in sexual harassment, housing instability, and the relentless racial wealth and homeownership gaps.



These challenges harm both individuals and communities. They restrict the economic power of underserved groups and contribute to their financial insecurity. But they have also made our nation less productive and competitive, and they have weakened our economy. We have lost trillions of dollars in economic growth due to systemic racial inequality. One study estimates that improving access to housing credit would have resulted in an additional 770,000 Black homeowners and \$218 billion in sales and expenditures. Eliminating racial inequities in the U.S. could add \$5 trillion of growth in our GDP over the next 5 years.¹ Our failure to resolve these centuries-long injustices, is destroying members of our society and inhibiting the country's ability to advance and be economically viable. Ensuring equality for those ill-served in our community will enhance our collective prosperity.

As the next Administration and Congress begin their work to answer the public call for meaningful action to undo structural racism, they must unwind the damage done to the nation's fair housing infrastructure, replace weak policies that fail to eliminate discrimination, and implement bold solutions to achieve equitable outcomes and ensure that everyone has access to safe, affordable housing in thriving, well-resourced neighborhoods. The next Administration and Congress must make the obligation to comply with the nation's civil rights laws unequivocally clear to everyone and rebuild confidence among the public that their fair housing and lending rights will be vigorously enforced and protected.

¹ "Closing the Racial Inequality Gaps: The Economic Cost of Black Inequality in the U.S.," Citigroup, September 2020, <https://www.citivelocity.com/citigps/closing-the-racial-inequality-gaps/>



1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

Executive Branch Actions

First Day Priorities

Department of Housing and Urban Development (HUD)

- Reinstatement of HUD's 2015 Affirmatively Furthering Fair Housing (AFFH) rule², and take steps to implement the Fair Housing Act's AFFH mandate for ALL housing and community development programs throughout the federal government, as envisioned in the Fair Housing Act and [Executive Order 12892](#).

First 100 Days Priorities

HUD

- Begin updating the data and mapping tool and Assessment Tools for local governments and public housing authorities (PHAs) and finalize these resources for states and insular areas and small PHAs to use to comply with the AFFH rule and the Fair Housing Act.
- Update and reinstate the AFFH-related technical assistance programs and services using fair housing experts to assist entities in conducting meaningful Assessments of Fair Housing. This work should ensure entities can identify all barriers to fair housing—including addressing how residential segregation contributes to environmental, climate change, educational, employment, health, credit, transportation, and other disparities—and implement effective solutions to overcome them.

Federal Housing Finance Agency (FHFA)

- Include more robust support for Shared Equity programs to support the development of affordable housing in the Government Sponsored Enterprises' (GSEs) Duty to Serve Plans. Require the GSEs, including the Federal Home Loan Banks, to increase standardization in the process for underwriting loans that support Shared Equity Programs, expand educational awareness of the programs, develop pilot programs to explore best practices, and help develop tools to increase their use.

First Year Priorities

HUD

- Require more jurisdictions to implement HUD's [Small Area Fair Market Rents](#) in calculating fair market rents for zip codes, expanding the pilot program, with a focus on jurisdictions that have persistently high levels of residential segregation.

² This priority may require use of the Congressional Review Act and entail Congress' use of this instrument to undo the 2020 AFFH Rule.



- Provide Housing Choice Vouchers to every eligible household so that no one has to pay more than 30% of their income for rental housing.

FHFA

- Require the Federal Home Loan Banks to develop programming to steepen their support of fair housing activities and affordable housing development.

Federal Housing Administration (FHA)

- Significantly improve FHA's 203(K) Rehabilitation Mortgage Insurance Program to make the process for securing a loan more consumer-friendly and efficient. Ensure borrowers can safely access the program, receive consultant referrals, and more easily fulfill the requirements of the program.

Multi-Agency Collaboration

- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, and HUD).

Congressional Actions

First 100 Days Priorities

- Provide funding for 300 staff at HUD to implement key AFFH-related priorities, including equipping appropriate staff to provide technical assistance to entities required to complete Assessments of Fair Housing. These staff should be placed in the Offices of Policy, Development and Research; Fair Housing and Equal Opportunity; General Counsel; Community Planning and Development; and Public and Indian Housing.
- Provide funding for Qualified Fair Housing Enforcement Organizations, Public Housing Authorities, jurisdictions, and other stakeholders to receive quality training on the AFFH requirement and effectively engage in a meaningful, robust AFFH process as prescribed in the 2015 Affirmatively Furthering Fair Housing Rule and accompanying Assessment of Fair Housing tools.³
- Expand and make permanent HUD's Housing Mobility Demonstration.

³ For more information on the Affirmatively Furthering Fair Housing process, see <https://nationalfairhousing.org/affh/>.



- Include strong fair housing and lending accountability provisions in all housing and community development legislation, including all COVID-19 related legislation, and conduct oversight to ensure that such provisions are effectively enforced.
- Provide adequate funding to support the development of affordable housing opportunities to address the critical shortage of affordable housing units.
- Pass the [Neighborhood Homes Investment Act](#) to create a vehicle to produce equity investment dollars for the development and renovation of affordable housing units in distressed urban, suburban, and rural neighborhoods.
- Pass the [National Land Bank Network Act of 2020](#) to ensure that land banks use best practices; operate transparently; develop partnerships and programming to drive community redevelopment forward; and access education, expertise, and research to strengthen the critical work of land banks in supporting equitable communities.

First Year Priorities

- Pass the [Housing, Opportunity, Mobility, and Equity Act](#) to require Community Development Block Grant and Surface Transportation Block Grant recipients to develop a strategy to support inclusive zoning policies, to allow for a credit to support housing affordability, to advance fair housing goals, and other activities to help create viable, thriving communities.

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

Executive Branch Actions

First Day Priorities

Office of the Comptroller of the Currency (OCC)

- Rescind the OCC's revised Community Reinvestment Act (CRA) regulation and engage in joint-rulemaking with all regulators with CRA authority to ensure consistent standards apply to all lenders.⁴

HUD

- Provide guidance, using HUD's authority under the Fair Housing Act, and in collaboration with the Consumer Financial Protection Bureau (CFPB) and prudential regulators, on how entities can design and market [Special Purpose Credit Programs](#) (SPCPs). HUD has the responsibility for interpreting the Fair Housing Act and it is imperative that it establishes that these programs do not violate but rather support and further the spirit of anti-discrimination laws. The federal government should foster the

⁴ This priority may require use of the Congressional Review Act.



marketplace for SPCPs to support homeownership and wealth building for members of protected classes that have experienced systemic discrimination and/or been underserved by the mainstream financial market.

FHFA

- Support and encourage the GSEs to establish a program to purchase loans originated through [Special Purpose Credit Programs](#).

CFPB

- Issue a template for lenders to follow to help them develop an effective [Special Purpose Credit Program](#). The CFPB can work with HUD and/or prudential regulators to develop this template.
- Ensure the Qualified Mortgage (QM) Rule appropriately emphasizes fair lending compliance and recognizes the dangers of pricing discrimination within U.S. financial markets. The QM Rule must place a strong emphasis on fair lending compliance to comport with the requirement in the Dodd Frank Wall Street Reform and Consumer Protection Act that the Truth in Lending Act be amended “to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive or abusive.”⁵

Multi-Agency Collaboration

- Engage in CRA joint-rulemaking to ensure consistent standards apply to all lenders (OCC, Federal Reserve, Federal Deposit Insurance Corporation (FDIC)).⁶

First Year Priorities

FHFA

- Encourage the significant expansion of the GSEs’ support for Small Dollar Mortgage Loan Programs.
- Require the GSEs to adopt credit scoring systems that have less discriminatory impacts than currently accepted scores to provide greater credit access to underserved groups (in conjunction with FHA).
- Require the GSEs to develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHA).

⁵ 15 U.S.C. 1639b(a)(2)

⁶ This priority may require use of the Congressional Review Act.



FHA

- Adopt credit scoring systems that have less discriminatory impacts than currently accepted scores that provide greater credit access to underserved groups (in conjunction with FHFA).
- Develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHFA).

Multi-Agency Collaboration

- Embrace innovative technologies designed to significantly reduce, and ultimately eliminate, bias in algorithmic-based systems (FHA, FHFA, VA).

Congressional Actions

First Year Priorities

- Establish and fund a Racial Equity Fund to provide sustainable, affordable credit to borrowers impacted by historic and current discriminatory housing and lending practices and to close the racial wealth and homeownership gaps.
- Enact the [Comprehensive Consumer Credit Reporting Reform Act](#), which would enhance consumers' credit reporting rights, create more transparency in the credit reporting and scoring processes, and increase the accountability of those who develop credit scoring models.

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

Executive Branch Actions

First Day Priorities

HUD

- Rescind the 2020 Disparate Impact rule, reinstate HUD's 2013 Disparate Impact rule, and update any policy guidance which may rely on or incorporate a disparate impact analysis.
- Abandon the current HUD rulemaking effort dealing with third-party liability under the Fair Housing Act which involves a proposed rule that [HUD recently sent to the Office of Information and Regulatory Affairs](#) prior to pending issuance for comment.



CFPB

- Reinstate the enforcement powers of the CFPB's Office of Fair Lending.

Department of Justice (DOJ)

- Withdraw [DOJ guidance issued in 2017](#) that precludes settlements involving relief to third parties that were not directly harmed by the alleged discriminatory conduct, including Fair Housing Centers.

First 100 Days Priorities

HUD

- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with DOJ).
- Withdraw the 2020 proposed changes to it's the Equal Access Rule and reimplement the 2016 Equal Access Rule that protects LGBTQ people from discrimination in HUD-assisted housing and services.
- Withdraw the Mixed-Status Family Rule that would result in the displacement of 55,000 American children as well as increase housing instability and homelessness.
- Immediately hire highly qualified enforcement staff within HUD's Office of Fair Housing and Equal Opportunity to fill all vacant career positions and propose the expansion of those staff to ensure at least 825 full time equivalent personnel and provide regular training and capacity-building for investigative staff for the next budget cycle.
- Clarify, in regulation or guidance, HUD's legal position stating that there is third-party liability as it pertains to harassment or Quid Pro Quo cases brought under the Fair Housing Act.

DOJ

- Resume resolving settlements in the form of court-ordered Consent Decrees as was done previously, rather than through private settlement agreements as was the practice under the Trump administration.
- Work to identify and address systemic discrimination in housing and lending that involve other areas of abuse and discrimination facing people of color and other protected classes, including, for example, cases in which police authorities work to intimidate or target protected classes in public and private housing.
- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with HUD).

White House

- Reconstitute and expand the President's Fair Housing Council outlined in [Presidential Executive Order 12892](#) to affirmatively further fair housing, remedy the impacts of residential segregation, housing inequality, and structural racism in all federal programs. Appoint the Vice President of the United States as the Chair of the Council. The Council should meet in the first quarter of the new Administration's term.



Multi-Agency Collaboration

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

First Year Priorities

HUD

- Prioritize systemic enforcement actions through the use of Secretary-initiated complaints to address key fair housing issues such as enforcement against discriminatory technology and predictive modeling systems used in the housing and financial services industries. HUD must coordinate this work by reconstituting and providing resources for an Office of Systemic Investigations within HUD's Office of Fair Housing and Equal Opportunity.
- Require consistent enforcement methodologies for administrative complaint investigations across all HUD regions.

DOJ

- Utilize the panoply of enforcement tools available to address systemic discrimination in the housing and lending markets. This should include, but not be limited to, use of the disparate impact standard under the Fair Housing Act and Equal Credit Opportunity Act.
- Develop a more robust DOJ fair housing testing program to deploy independently in areas where there are no Fair Housing Initiatives Program (FHIP)-funded testing programs and, where there are active local programs, contract with FHIP groups to do initial rounds of testing to identify targets for DOJ follow-up.
- Expediently file DOJ cases within 30 days where HUD issues a charge of discrimination and the case is referred to DOJ, as the Fair Housing Act requires. Relatedly, in contrast to recent DOJ practice, limit the use of tolling agreements for HUD election cases to special circumstances.
- Resolve DOJ-negotiated settlements in the form of court-ordered consent decrees that retain the court's jurisdiction and involve the United States as a party to the agreement, including in cases where HUD issues a charge of discrimination and the case is referred to DOJ.

Multi-Agency Collaboration

- Issue guidance concerning treatment and analysis of retaliatory counter-claims brought against fair housing and other civil rights organizations that bring civil rights actions against housing providers, lenders, and other parties. Guidance should include a statement that HUD will use its full authority to bring Secretary-initiated complaints



against entities that file harassment and other retaliatory claims against plaintiff parties (HUD, DOJ).

- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

Congressional Actions

First 100 Days Priorities

- Reinstatement of the expanded Home Mortgage Disclosure Act data reporting requirements mandated by Dodd-Frank and which were weakened by the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018 (Pub. L. 115-174).
- Provide funding for at least 825 full-time equivalent personnel at HUD's Office of Fair Housing and Equal Opportunity.

First Year Priorities

- Convert the Fair Housing Initiatives Program into an entitlement program that adequately funds Qualified Fair Housing Enforcement Organizations (QFHEOs) that currently exist and create new organizations in housing markets that do not have a QFHEO.
- Pass the [Housing Fairness Act of 2019](#).
- Eliminate the Communication Decency Act's Section 230 immunity which shields online platforms from liability for their architectural choices which violate the Fair Housing Act, Equal Credit Opportunity Act, and other civil rights statutes.

4. Creating Greater Fairness in the Housing and Financial Services Sectors

Executive Branch Actions

First Day Priority

Office of Management and Budget (OMB)

- Withdraw the mis-named [Executive Order 13950](#)⁷ and accompanying [Memorandum](#) which seeks to prohibit federal agencies, employees, contractors, subcontractors, and grantees from using so-called "divisive concepts" typified as "systemic racism", "White privilege", "unconscious bias", "intersectionality", "Critical Race Theory", and other

⁷ [85 FR 60683](#)



concepts tied to systemic racism and sexism. The federal government should work immediately to resolve lawsuits brought by civil and human rights agencies challenging this dangerous EO and its attempt to gag and stifle the truth about structural racism, sexism and inequality in America.

FHFA

- Elevate the Federal Housing Finance Agency’s Office of Fair Lending to ensure fair lending goals and principles play a more prominent role within the agency and the GSEs are in full compliance with fair housing laws, including the AFFH provision of the Fair Housing Act.

First 100 Days Priorities

FHFA

- Eliminate the GSEs’ Loan Level Pricing Adjustments added in the wake of the Great Recession.
- Adjust the GSEs’ Duty to Serve Plans to include an emphasis on Affirmatively Furthering Fair Housing in every goal and undertake activities to expand housing opportunities for groups disproportionately experiencing housing discrimination.
- Require the GSEs to adopt meaningful and significant goals to expand credit access and address housing inequities in Racially or Ethnically Concentrated Areas of Poverty in their Duty to Serve Plans.

HUD

- Establish a division within HUD to fulfill the agency’s obligation to provide effective fair housing oversight over Government Sponsored Enterprises.
- Ensure HUD, including FHA, implements technology upgrades that allow it to effectively serve consumers and communities. Among other improvements, the upgrades must enable FHA to track demographic data (race, gender, national origin) for FHA-insured loans after origination, including during servicing and loss mitigation.

First Year Priorities

FHFA

- The FHFA’s Office of Fair Lending must release a comprehensive report on the GSEs’ compliance with the nation’s fair housing and lending laws.

Congressional Actions

First 100 Days Priorities

- Pass the [Health and Economic Recovery Omnibus Emergency Solutions Act](#) (HEROES) to ensure the public, particularly groups disproportionately impacted by the COVID-19



pandemic, can remain stably housed, receive health, food and other critical resources, and ultimately recover from the crisis. The CARES Act, passed after the COVID-19 pandemic was declared, does not provide benefits equitably to all people in the nation; rather, it disproportionately favors higher-wealth households, exacerbates inequality and fuels housing instability.

First Year Priorities

- Pass the [Equality Act of 2019](#) to codify LGBTQ and sex discrimination protections in all federal civil rights statutes.
- Pass the [Fair Housing Improvements Act of 2019](#) to create servicemember, veteran, and source of income protections under the Fair Housing Act.
- Amend the “Duty to Serve” provisions of the Housing and Economic Recovery Act of 2008 to include “urban areas,” and “underserved markets” as explicit categories in addition to “rural areas,” “manufactured housing,” “affordable housing preservation,” and “Residential Economically Distressed areas” in the Duty to Serve requirements of the GSEs.

Additional Resources and Background Materials

[“Defending Against Unprecedented Attacks on Fair Housing: 2019 Fair Housing Trends Report,”](#) National Fair Housing Alliance, 2020.

[“Fair Housing Solutions: Overcoming Real Estate Sales Discrimination,”](#) National Fair Housing Alliance, 2019.

[“Discrimination When Buying a Car: How The Color of Your Skin Can Affect Your Car Shopping Experience,”](#) National Fair Housing Alliance, 2018.

[“Long Island Divided,”](#) Newsday, 2019.

[“Missing Credit: How the U.S. Credit System Restricts Access to Consumers of Color,”](#) Testimony of Lisa Rice before the U.S. House Financial Services Committee, February 26, 2019.

[“The Cost of Segregation,”](#) Metropolitan Planning Council, Chicago.

[“Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing”](#) - Presidential Executive Order 12892

“Long Before Redlining: Racial Disparities in Homeownership Need Intentional Policies,” [Part 1](#) and [Part 2](#), Shelterforce, 2019.



[“Water/Color: A Study of Race & the Water Affordability Crisis in America’s Cities,”](#) The Thurgood Marshall Institute at the NAACP Legal Defense and Educational Fund, Inc., 2019.

[“Tracking Growth and Evaluating Performance of Shared Equity Homeownership Programs During Housing Market Fluctuations,”](#) Grounded Solutions and Lincoln Institute of Land Policy, 2019.

[“Land Banks and Land Banking, 2nd Edition,”](#) Center for Community Progress, 2015.

[“The Future of Fair Housing – Report of the National Commission on Fair Housing and Equal Opportunity,”](#) National Fair Housing Alliance, NAACP-Legal Defense and Educational Fund, Leadership Conference on Civil and Human Rights Education Fund, and Lawyers Committee for Civil Rights Under Law, 2008.

For more information, please contact Jorge Andres Soto, NFHA’s Associate Vice President of Policy and Advocacy. at 202-898-1661 and JSoto@nationalfairhousing.org.

Below please find the following appendices that list our recommendations by agency.

- APPENDIX A: Congress
- APPENDIX B: Consumer Financial Protection Bureau (CFPB)
- APPENDIX C: Department of Education
- APPENDIX D: Department of Health and Human Services (HHS)
- APPENDIX E: Department of Housing and Urban Development (HUD)
- APPENDIX F: Department of Justice (DOJ)
- APPENDIX G: Department of Labor (DOL)
- APPENDIX H: Department of Transportation (DOT)
- APPENDIX I: Department of the Treasury
- APPENDIX J: Department of Veteran Affairs (VA)
- APPENDIX K: Environmental Protection Agency (EPA)
- APPENDIX L: Federal Deposit Insurance Corporation (FDIC)
- APPENDIX M: Federal Housing Administration (FHA)
- APPENDIX N: Federal Housing Finance Agency (FHFA)
- APPENDIX O: Federal Reserve
- APPENDIX P: Office of the Comptroller of the Currency (OCC)
- APPENDIX Q: Office of Management and Budget (OMB)
- APPENDIX R: White House

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First 100 Days Priorities

- Provide funding for 300 staff at HUD to implement key AFFH-related priorities, including equipping appropriate staff to provide technical assistance to entities required to complete Assessments of Fair Housing. These staff should be placed in the Offices of Policy, Development and Research; Fair Housing and Equal Opportunity; General Counsel; Community Planning and Development; and Public and Indian Housing.
- Provide funding for Qualified Fair Housing Enforcement Organizations, Public Housing Authorities, jurisdictions, and other stakeholders to receive quality training on the AFFH requirement and effectively engage in a meaningful, robust AFFH process as prescribed in the 2015 Affirmatively Furthering Fair Housing Rule and accompanying Assessment of Fair Housing tools.³
- Expand and make permanent HUD’s Housing Mobility Demonstration.
- Include strong fair housing and lending accountability provisions in all housing and community development legislation, including all COVID-19 related legislation, and conduct oversight to ensure that such provisions are effectively enforced.
- Provide adequate funding to support the development of affordable housing opportunities to address the critical shortage of affordable housing units.
- Pass the [Neighborhood Homes Reinvestment Act](#) to create a vehicle to produce equity investment dollars for the development and renovation of affordable housing units in distressed urban, suburban, and rural neighborhoods.
- Pass the [National Land Bank Network Act of 2020](#) to ensure that land banks use best practices; operate transparently; develop partnerships and programming to drive community redevelopment forward; and access education, expertise, and research to strengthen the critical work of land banks in supporting equitable communities.

First Year Priority

- Pass the [Housing, Opportunity, Mobility, and Equity Act](#) to require Community Development Block Grant and Surface Transportation Block Grant recipients to develop a strategy to support inclusive zoning policies, to allow for a credit to support housing affordability, to advance fair housing goals, and other activities to help create viable, thriving communities.



2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Year Priorities

- Establish and fund a Racial Equity Fund to provide sustainable, affordable credit to borrowers impacted by historic and current discriminatory housing and lending practices and to close the racial wealth and homeownership gaps.
- Enact the [Comprehensive Consumer Credit Reporting Reform Act](#), which would enhance consumers' credit reporting rights, create more transparency in the credit reporting and scoring processes, and increase the accountability of those who develop credit scoring models.

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priorities

- Reinstate the expanded Home Mortgage Disclosure Act data reporting requirements mandated by Dodd-Frank and which were weakened by the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018 (Pub. L. 115-174).
- Provide funding for at least 825 full-time equivalent personnel at HUD's Office of Fair Housing and Equal Opportunity.

First Year Priorities

- Convert the Fair Housing Initiatives Program into an entitlement program that adequately funds Qualified Fair Housing Enforcement Organizations (QFHEOs) that currently exist and create new organizations in housing markets that do not have a QFHEO.
- Pass the [Housing Fairness Act of 2019](#).
- Eliminate the Communication Decency Act's Section 230 immunity which shields online platforms from liability for their architectural choices which violate the Fair Housing Act, Equal Credit Opportunity Act, and other civil rights statutes.

4. Creating Greater Fairness in the Housing and Financial Services Sectors

First 100 Days Priority

- Pass the [Health and Economic Recovery Omnibus Emergency Solutions Act](#) (HEROES) to ensure the public, particularly groups disproportionately impacted by the COVID-19 pandemic, can remain stably housed, receive health, food and other critical resources,



and ultimately recover from the crisis. The CARES Act, passed after the COVID-19 pandemic was declared, does not provide benefits equitably to all people in the nation; rather, it disproportionately favors higher-wealth households, exacerbates inequality and fuels housing instability.

First Year Priorities

- Pass the [Equality Act of 2019](#) to codify LGBTQ and sex discrimination protections in all federal civil rights statutes.
- Pass the [Fair Housing Improvements Act of 2019](#) to create servicemember, veteran, and source of income protections under the Fair Housing Act.
- Amend the “Duty to Serve” provisions of the Housing and Economic Recovery Act of 2008 to include “urban areas,” and “underserved markets” as explicit categories in addition to “rural areas,” “manufactured housing,” “affordable housing preservation,” and “Residential Economically Distressed areas” in the Duty to Serve requirements of the GSEs.



APPENDIX B: CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priorities

- Issue a template for lenders to follow to help them develop an effective [Special Purpose Credit Program](#). The CFPB can work with HUD and/or prudential regulators to develop this template.
- Ensure the Qualified Mortgage (QM) Rule appropriately emphasizes fair lending compliance and recognizes the dangers of pricing discrimination within U.S. financial markets. The QM Rule must place a strong emphasis on fair lending compliance to comport with the requirement in the Dodd Frank Wall Street Reform and Consumer Protection Act that the Truth in Lending Act be amended “to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive or abusive.”⁸

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First Day Priority

- Reinstate the enforcement powers of the CFPB’s Office of Fair Lending.

⁸ 15 U.S.C. 1639b(a)(2)



APPENDIX C: DEPARTMENT OF EDUCATION

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).



APPENDIX D: DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

APPENDIX E: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Day Priority

- Reinstating HUD's 2015 Affirmatively Furthering Fair Housing (AFFH) rule², and take steps to implement the Fair Housing Act's AFFH mandate for ALL housing and community development programs throughout the federal government, as envisioned in the Fair Housing Act and [Executive Order 12892](#).

First 100 Days Priorities

- Begin updating the data and mapping tool and Assessment Tools for local governments and public housing authorities (PHAs) and finalize these resources for states and insular areas and small PHAs to use to comply with the AFFH rule and the Fair Housing Act.
- Update and reinstate the AFFH-related technical assistance programs and services using fair housing experts to assist entities in conducting meaningful Assessments of Fair Housing. This work should ensure entities can identify all barriers to fair housing—including addressing how residential segregation contributes to environmental, climate change, educational, employment, health, credit, transportation, and other disparities—and implement effective solutions to overcome them.

First Year Priorities

- Require more jurisdictions to implement HUD's [Small Area Fair Market Rents](#) in calculating fair market rents for zip codes, expanding the pilot program, with a focus on jurisdictions that have persistently high levels of residential segregation.
- Provide Housing Choice Vouchers to every eligible household so that no one has to pay more than 30% of their income for rental housing.
- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, and HUD).



2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

- Provide guidance, using HUD’s authority under the Fair Housing Act, and in collaboration with the Consumer Financial Protection Bureau (CFPB) and prudential regulators, regarding how entities can design and market [Special Purpose Credit Programs](#) (SPCPs). HUD has the responsibility for interpreting the Fair Housing Act and it is imperative that it establishes that these programs do not violate but rather support and further the spirit of anti-discrimination laws. The federal government should foster the marketplace for SPCPs to support homeownership and wealth building for members of protected classes that have experienced systemic discrimination and/or been underserved by the mainstream financial market.

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First Day Priorities

- Rescind the 2020 Disparate Impact rule, reinstate HUD’s 2013 Disparate Impact rule, and update any policy guidance which may rely on or incorporate a disparate impact analysis.
- Abandon the current HUD rulemaking effort dealing with third-party liability under the Fair Housing Act which involves a proposed rule that [HUD recently sent to the Office of Information and Regulatory Affairs](#) prior to pending issuance for comment.

First 100 Days Priorities

- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with DOJ).
- Withdraw the 2020 proposed changes to it’s the Equal Access Rule and reimplement the 2016 Equal Access Rule that protects LGBTQ people from discrimination in HUD-assisted housing and services.
- Withdraw the Mixed-Status Family Rule that would result in the displacement of 55,000 American children as well as increase housing instability and homelessness.
- Immediately hire highly qualified enforcement staff within HUD’s Office of Fair Housing and Equal Opportunity to fill all vacant career positions and propose the expansion of those staff to ensure at least 825 full time equivalent personnel and provide regular training and capacity-building for investigative staff for the next budget cycle.
- Clarify, in regulation or guidance, HUD’s legal position stating that there is third-party liability as it pertains to harassment or Quid Pro Quo cases brought under the Fair Housing Act.



- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).

First Year Priorities

- Prioritize systemic enforcement actions through the use of Secretary-initiated complaints to address key fair housing issues such as enforcement against discriminatory technology and predictive modeling systems used in the housing and financial services industries. HUD must coordinate this work by reconstituting and providing resources for an Office of Systemic Investigations within HUD's Office of Fair Housing and Equal Opportunity.
- Require consistent enforcement methodologies for administrative complaint investigations across all HUD regions.
- Issue guidance concerning treatment and analysis of retaliatory counter-claims brought against fair housing and other civil rights organizations that bring civil rights actions against housing providers, lenders, and other parties. Guidance should include a statement that HUD will use its full authority to bring Secretary-initiated complaints against entities that file harassment and other retaliatory claims against plaintiff parties (HUD, DOJ).
- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

4. Creating Greater Fairness in the Housing and Financial Services Sectors

First 100 Days Priorities

- Establish a division within HUD to fulfill the agency's obligation to provide effective fair housing oversight over Government Sponsored Enterprises.
- Ensure HUD, including FHA, implements technology upgrades that allow it to effectively serve consumers and communities. Among other improvements, the upgrades must enable FHA to track demographic data (race, gender, national origin) for FHA-insured loans after origination, including during servicing and loss mitigation.

APPENDIX F: DEPARTMENT OF JUSTICE (DOJ)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First Day Priority

- Withdraw [DOJ guidance issued in 2017](#) that precludes settlements involving relief to third parties that were not directly harmed by the alleged discriminatory conduct, including Fair Housing Centers.

First 100 Days Priorities

- Resume resolving settlements in the form of court-ordered Consent Decrees as was done previously, rather than through private settlement agreements as was the practice under the Trump administration.
- Work to identify and address systemic discrimination in housing and lending that involve other areas of abuse and discrimination facing people of color and other protected classes, including, for example, cases in which police authorities work to intimidate or target protected classes in public and private housing.
- Work to resolve outstanding litigation brought by civil rights groups challenging the 2020 Disparate Impact rule (in conjunction with HUD).

First Year Priorities

- Utilize the panoply of enforcement tools available to address systemic discrimination in the housing and lending markets. This should include, but not be limited to, use of the disparate impact standard under the Fair Housing Act and Equal Credit Opportunity Act.
- Develop a more robust DOJ fair housing testing program to deploy independently in areas where there are no Fair Housing Initiatives Program (FHIP)-funded testing programs and, where there are active local programs, contract with FHIP groups to do initial rounds of testing to identify targets for DOJ follow-up.
- Expeditiously file DOJ cases within 30 days where HUD issues a charge of discrimination and the case is referred to DOJ, as the Fair Housing Act requires. Relatedly, in contrast to recent DOJ practice, limit the use of tolling agreements for HUD election cases to special circumstances.
- Resolve DOJ-negotiated settlements in the form of court-ordered consent decrees that retain the court's jurisdiction and involve the United States as a party to the agreement, including in cases where HUD issues a charge of discrimination and the case is referred to DOJ.
- Issue guidance concerning treatment and analysis of retaliatory counter-claims brought against fair housing and other civil rights organizations that bring civil rights actions against housing providers, lenders, and other parties. Guidance should include a



statement that HUD will use its full authority to bring Secretary-initiated complaints against entities that file harassment and other retaliatory claims against plaintiff parties (HUD, DOJ).



APPENDIX G: DEPARTMENT OF LABOR (DOL)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).



APPENDIX H: DEPARTMENT OF TRANSPORTATION (DOT)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).



APPENDIX I: DEPARTMENT OF THE TREASURY

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priorities

- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, and HUD).

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).



APPENDIX J: DEPARTMENT OF VETERAN AFFAIRS (VA)

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priority

- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).



APPENDIX K: ENVIRONMENTAL PROTECTION AGENCY (EPA)

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).



APPENDIX L: FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

- Engage in CRA joint-rulemaking to ensure consistent standards apply to all lenders (OCC, Federal Reserve, Federal Deposit Insurance Corporation (FDIC)).⁹

⁹ This priority may require use of the Congressional Review Act.



APPENDIX M: FEDERAL HOUSING ADMINISTRATION (FHA)

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priorities

- Significantly improve FHA's 203(K) Rehabilitation Mortgage Insurance Program to make the process for securing a loan more consumer-friendly and efficient. Ensure borrowers can safely access the program, receive consultant referrals, and more easily fulfill the requirements of the program.
- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Year Priorities

- Adopt credit scoring systems that have less discriminatory impacts than currently accepted scores that provide greater credit access to underserved groups (in conjunction with FHFA).
- Develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHFA).
- Embrace innovative technologies designed to significantly reduce, and ultimately eliminate, bias in algorithmic-based systems (FHA, FHFA, VA).

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First Year Priority

- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).



APPENDIX N: FEDERAL HOUSING FINANCE AGENCY (FHFA)

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First 100 Days Priority

- Include more robust support for Shared Equity programs to support the development of affordable housing in the Government Sponsored Enterprises' (GSEs) Duty to Serve Plans. Require the GSEs, including the Federal Home Loan Banks, to increase standardization in the process for underwriting loans that support Shared Equity Programs, expand educational awareness of the programs, develop pilot programs to explore best practices, and help develop tools to increase their use.

First Year Priorities

- Require the Federal Home Loan Banks to develop programming to steepen their support of fair housing activities and affordable housing development.
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, and HUD).

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

- Support and encourage the GSEs to establish a program to purchase loans originated through [Special Purpose Credit Programs](#).

First Year Priorities

- Encourage the significant expansion of the GSEs' support for Small Dollar Mortgage Loan Programs.
- Require the GSEs to adopt credit scoring systems that have less discriminatory impacts than currently accepted scores to provide greater credit access to underserved groups (in conjunction with FHA).
- Require the GSEs to develop pilot mortgage programs that allow the use of non-traditional credit criteria like rental housing payment information, residual income, and



housing payment shock and that include consumer default-prevention mechanisms to expand affordable credit access to underserved borrowers (in conjunction with FHA).

- Embrace innovative technologies designed to significantly reduce, and ultimately eliminate, bias in algorithmic-based systems (FHA, FHFA, VA).

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First Year Priority

- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

4. Creating Greater Fairness in the Housing and Financial Services Sectors

First Day Priority

- Elevate the Federal Housing Finance Agency’s Office of Fair Lending to ensure fair lending goals and principles play a more prominent role within the agency and the GSEs are in full compliance with fair housing laws, including the AFFH provision of the Fair Housing Act.

First 100 Days Priorities

- Eliminate the GSEs’ Loan Level Pricing Adjustments added in the wake of the Great Recession.
- Adjust the GSEs’ Duty to Serve Plans to include an emphasis on Affirmatively Furthering Fair Housing in every goal and undertake activities to expand housing opportunities for groups disproportionately experiencing housing discrimination.
- Require the GSEs to adopt meaningful and significant goals to expand credit access and address housing inequities in Racially or Ethnically Concentrated Areas of Poverty in their Duty to Serve Plans.

First Year Priority

- The FHFA’s Office of Fair Lending must release a comprehensive report on the GSEs’ compliance with the nation’s fair housing and lending laws.



APPENDIX O: FEDERAL RESERVE

1. Dismantling Residential Segregation, Offering Real Choice in Housing, and Creating Thriving Communities

First Year Priorities

- Require meaningful fair housing impact analyses in every effort to fill the nation's affordable housing shortage. Reporting requirements are a critical step, but are not sufficient to change the location, types and cost of housing units available to households in the US (HUD, Treasury, U.S. Department of Agriculture, Department of Veterans Affairs, FHFA, FHA).
- Prohibit lending institutions, housing providers, and other entities that operate in the housing space from accessing federal programs, subsidies, tax breaks, or other government assistance if they have been found in violation of the Fair Housing Act or Equal Credit Opportunity Act within the last five years (FHFA, Treasury, and HUD).

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First 100 Days Priority

- Re-establish or adopt agreements to coordinate government-wide efforts to affirmatively further fair housing (Department of Transportation (DOT), Department of Education, Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Health and Human Services (HHS), Treasury, and any other federal agency with programs relating to housing and community development).



APPENDIX P: OFFICE OF THE COMPTROLLER OF THE CURRENCY (OCC)

2. Eliminating the Dual Credit Market and Creating Access to Sustainable and Affordable Credit for All

First Day Priority

- Rescind the OCC’s revised Community Reinvestment Act (CRA) regulation and engage in joint-rulemaking with all regulators with CRA authority to ensure consistent standards apply to all lenders (OCC, Federal Reserve, Federal Deposit Insurance Corporation (FDIC)).¹⁰

3. Strengthening the Nation’s Fair Housing and Lending Enforcement Infrastructure

First Year Priority

- Enhance the capacity of regulatory and enforcement agencies to conduct oversight, systemic investigations, and bring enforcement actions concerning the use of artificial intelligence and other technologies that enable or perpetuate housing or lending discrimination (HUD, FHA, FHFA, OCC).

¹⁰ This priority may require use of the Congressional Review Act.

4. Creating Greater Fairness in the Housing and Financial Services Sectors

First Day Priority

- Withdraw the mis-named [Executive Order 13950](#)⁷ and accompanying [Memorandum](#) which seeks to prohibit federal agencies, employees, contractors, subcontractors, and grantees from using so-called “divisive concepts” typified as “systemic racism”, “White privilege”, “unconscious bias”, “intersectionality”, “Critical Race Theory”, and other concepts tied to systemic racism and sexism. The federal government should work immediately to resolve lawsuits brought by civil and human rights agencies challenging this dangerous EO and its attempt to gag and stifle the truth about structural racism, sexism and inequality in America.



APPENDIX R: WHITE HOUSE

3. Strengthening the Nation's Fair Housing and Lending Enforcement Infrastructure

First Day Priority

- Reconstitute and expand the [President's Fair Housing Council](#) outlined in [Presidential Executive Order 12892](#) to affirmatively further fair housing, remedy the impacts of residential segregation, housing inequality, and structural racism in all federal programs. Appoint the Vice President of the United States as the Chair of the Council. The Council should meet in the first quarter of the new Administration's term.